

NAWCWDINST 12810.1A
731000E
31 May 2000

NAWCWD INSTRUCTION 12810.1A

From: Commander, Naval Air Warfare Center Weapons Division

Subj: INJURY COMPENSATION PROGRAM

Ref: (a) 20 CFR Part 10, Federal Employees' Compensation Act
(b) 5 USC Chapter 81, Compensation for Work Injuries
(c) DoD Instruction 1400.25 Chapter 810, Injury Compensation
(d) CPI 810, Injury Compensation
(e) OPNAVINST 12810.1, Federal Employees' Compensation Act (FECA) Program

Encl: (1) Definitions
(2) Report of Injury or Illness Authorized Medical Examination of Treatment
(4) Continuation of Pay
(5) Claim for Compensation for Disability
(6) Return to Work
(7) Death

1. Purpose. To establish procedures and assign responsibilities for meeting the requirements of references (a) through (e).

2. Cancellation. NAWCWPINST 12810.1.

3. Scope. This instruction is applicable to all employees that are provided Human Resources Department (Code 730000D) support services by the Naval Air Warfare Center Weapons Division (NAWCWD) at China Lake, Point Mugu, and White Sands sites only. Applicable collective bargaining agreements will prevail for employees within the respective bargaining unit in the event of conflict with provisions of this program. Enclosures (1) through (7) contain specific information about this program.

4. Policy. NAWCWD policy is to provide full assistance to all civilian appropriated fund employees who sustain disabling injuries and/or illnesses as a result of their employment. NAWCWD is also committed to the temporary and/or permanent placement of employees who have sustained job-related injuries. Where feasible, injured employees will be placed in productive assignments compatible with their medical restrictions or limitations.

5. Background. References (a) through (e) contain requirements for establishment and implementation of the Injury Compensation Program. This instruction provides guidelines for implementation of this program within NAWCWD.

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6. Responsibilities.

a. Injury Compensation Program Administrator: Administers the Federal Employees Compensation Program locally per references (a) through (e) and other regulations governing the program.

b. Workers' Compensation Team, Civilian Personnel Division, Human Resources Department:

(1) Processes all the compensation forms and related documents required by the Office of Workers' Compensation Programs (OWCP) district office.

(2) Provides training, counseling, and assistance to supervisors in meeting their obligations under the program.

(3) Counsels injured employees on their responsibilities and benefit entitlements under the program.

(4) Provides counseling and assistance to survivors for death claims filed under the program.

c. Occupational Health Officer, Naval Ambulatory Clinic, China Lake/Point Mugu:

(1) Provides appropriate first aid and/or subsequent treatment for employees who have sustained work-related injuries or illnesses.

(2) Provides medical records and reports to Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E, as requested, for transmittal along with related documents to OWCP.

d. Employee:

(1) Immediately reports every job-related injury or illness to the supervisor.

(2) Requests permission from the supervisor to obtain first aid treatment as necessary.

(3) Files the appropriate notice of injury or illness with Code 731000D/E within the time limits indicated on the form.

(4) Submits the claims for Continuation of Pay (COP) or compensation, or requests for sick leave, annual leave, and/or leave without pay when filing appropriate notices of injury or illness.

(5) Provides additional information about the injury or illness as required by the OWCP.

(6) Requests health care provider to furnish the Injury Compensation Program Administrator with copies of all medical records submitted to the OWCP.

(7) Accepts/participates/cooperates with temporary and permanent light-duty assignments.

NOTE: It remains the employee's responsibility to report any unplanned absence due to injury, illness, or emergency within one hour of the employee's normal starting time at work. When a call is made to report such absences, supervisors should indicate when he/she wishes the employee to call back.

e. Supervisor:

(1) Ensures that each employee who contracts a work-related injury or illness immediately receives the appropriate first aid and necessary subsequent medical treatment.

(2) Ensures employee reports to Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E for completion of the required Notice of Injury or Illness forms.

(3) Obtains and provides amplifying information on specific cases of occupational injury and illness when required.

(4) Procures a temporary light-duty position or permanent position, if available, for any employee who is able to work but not able to perform the full duties of his/her regular position.

7. Forms. CA-1 Notice of Traumatic Injury and Claim for Continuation of Pay; CA-2 Notice of Occupational Disease and Claim for Compensation; CA-2a Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation; CA-5 Claim for compensation by Widow, Widower, and/or Children; CA-5b Claims for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren; CA-6 Official Superior's Report of Employee Death; CA-7 Claim for Compensation Due to Traumatic Injury or Occupational Disease; CA-7a Time Analysis Form; CA-7b Leave Buy Back(LBB) Worksheet/Certification and Election; CA-16 Authorization of Examination and/or Treatment; CA-17 Duty Status Report; CA-20 Attending Physician's Report; CA-20a Attending Physician's Supplemental Report. All of the above forms can be obtained from the Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E.

8. Directive Responsibility. The Head, Human Resources Department, Code 730000E, is responsible for keeping this instruction current.

/s/
R. B. Ormsbee

DEFINITIONS

1. Compensation: Monetary benefits payable by the Office of Workers' Compensation Programs (OWCP) to an employee or his/her dependents for a specific work-related injury, illness, or death.
2. Continuation of Pay (COP): Continuation of an injured employee's regular pay for a period of disability, not to exceed forty-five (45) calendar days, preceding payment of compensation. Payable only to employees who contract a work-related traumatic injury.
3. Controversion: A dispute of an employee's claim for COP when the claim does not appear to fall within lawful purview of Federal Employees' Compensation Act. The final decision on allowance or disallowance of COP claims is made by the OWCP District Office.
4. Duly Qualified Physician: Includes physicians and surgeons, osteopathic physicians and surgeons, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors with the scope of their practice as defined by state law. As determined by the Secretary of Labor, the term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment to correct a subluxation. A chiropractor may also provide services in the nature of physical therapy under the direction of a qualified physician.
5. Occupational Disease or Illness: An injury or illness which may be produced by systemic infections; exposure to toxins, poisons, fumes, etc; and other continued and repeated exposure to conditions of the work environment over a period of more than one work shift.
6. OWCP: The Office of Workers' Compensation Programs. This agency has responsibility for the claims adjudication process.
7. Recurrence: An injured employee, after returning to work, is again disabled as a result of the original injury or occupational disease.
8. Traumatic Injury: A wound or other condition of the body resulting from external forces, including stresses or strains, caused by a specific work-related event or incident or series of incidents within a single day or work shift.
9. Medical Officers/Hospitals: Federal medical officers/hospitals of the Army, Navy, Veterans Administration, and U.S. Public Health Service.

REPORT OF INJURY OR ILLNESS

1. TRAUMATIC INJURY

a. Upon receiving notice that an employee has sustained a job-related traumatic injury, the supervisor will require the employee to report to the appropriate Naval Ambulatory Clinic.

b. Upon securing first aid necessary to relieve the injured employee's immediate physical distress, the supervisor will direct the employee to report to the Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E for completion of CA-1, Notice of Traumatic Injury and Claim for Continuation of Pay. Supervisors at remote sites such as San Nicolas Island and White Sands should contact Workers' Compensation Team, Civilian Personnel Division, Code 731000E for proper procedures.

c. Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will:

(1) Assist the injured employee in completion of CA-1.

(2) Advise the employee of his/her right to use sick leave, annual leave, leave without pay, or to elect COP, if the injury is disabling.

(3) Authorize COP when appropriate.

(4) Advise the injured employee of his/her obligation to report for limited/light-duty assignments, if offered.

(5) Authorize additional medical treatment, if requested by the injured employee, by issuing CA-16, Request for Medical Examination and/or Treatment.

(6) Contact the injured employee's supervisor for completion of the official supervisor's portion of the CA-1.

(7) Complete and submit all the necessary compensation forms to the appropriate OWCP.

2. OCCUPATIONAL DISEASE OR ILLNESS

a. Upon receiving notice that an employee has contracted an occupational disease or illness, the supervisor will:

(1) Direct the employee to report to Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E, for completion of CA-2, Notice of Occupational Disease and Claim for Compensation.

b. Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will:

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- (1) Assist the employee in completion of CA-2 and appropriate checklist.
- (2) Advise the employee of his/her right to use sick leave, annual leave, or leave without pay if the illness or disease is disabling.
- (3) Advise the employee what medical information and supporting factual information will be required for submission to the OWCP in support of his/her claim.
- (4) Contact the employee's supervisor for completion of the official supervisor's portion of the CA-2 and request other documentation as necessary.
- (5) Complete and submit all the necessary compensation forms to OWCP.

3. RECURRENCE

- a. In the case of a recurrence of an occupational illness or injury, the employee in question will follow the above procedures however, the employee will file a CA-2a, Notice of Employee's Recurrence of Disability.
- b. Further guidance will be provided to the employee and his/her supervisor by Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E.

AUTHORIZED MEDICAL EXAMINATION AND TREATMENT

1. TRAUMATIC INJURY

a. An injured employee may elect to receive first aid from a U.S. Medical Officer/hospital or to initially select a duly qualified private physician/hospital usually within 25 miles of employment or residence.

b. Normally, first aid will be provided to an injured employee by his/her respective Naval Ambulatory Clinic. The supervisor will issue the appropriate dispensary permit to the employee whenever first aid is sought. Except in emergencies, this permit should be given to the employee before visiting the Clinic.

c. If the injured employee is advised by the attending Medical Officer to obtain additional medical treatment beyond initial first aid, and he/she elects to receive that subsequent medical treatment from the respective Naval Ambulatory Clinic, Code 731000D/E will be notified and CA-16, Request for Examination and/or Treatment, will be issued to the respective Naval Ambulatory Clinic.

(1) Once an employee elects a Naval Ambulatory Clinic facility for subsequent medical treatment beyond initial first aid, and a CA-16 is issued to the respective Naval Ambulatory Clinic attesting to that fact, the employee may not change to a private physician/hospital except at his/her own expense without prior approval from OWCP.

(2) The Medical Officer, at his/her own medical discretion, may direct the employee to seek further medical treatment from a private physician/hospital.

d. If an injured employee is advised by the attending Medical Officer to obtain additional medical treatment beyond initial first aid, and the employee elects to receive that subsequent medical treatment from a private physician/hospital, Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will determine by telephone whether the employee's physician of choice is available and will accept the employee for treatment. If the employee's physician of choice not available, the employee must select another qualified physician. Upon acceptance of the injured employee by a private physician, Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will issue a CA-16 to the physician. Should the employee wish to change private physicians during periods of subsequent medical treatment, the employee must first obtain approval from the OWCP.

2. OCCUPATIONAL DISEASE. The CA-16 will be issued for examination or treatment of occupational disease or illness only if prior approval from OWCP has been obtained. In such cases, only limited examination or conservative treatment may be authorized.

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3. EMERGENCY TREATMENT OF TRAUMATIC INJURY

a. In cases of traumatic injury to an employee where emergency medical care is necessary and the injured employee is unable to elect a source of treatment, a supervisor will immediately contact the Naval Ambulatory Clinic.

b. If the employee elects to receive emergency assistance from the nearest duly qualified private physician/hospital, and if Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E orally authorizes emergency treatment, a CA-16 will be issued within 48 hours.

CONTINUATION OF PAY

1. TRAUMATIC INJURY

a. An employee, who sustains a disabling, job-related traumatic injury is entitled to continuation of regular pay, exclusive of overtime, for a period not to exceed 45 calendar days.

b. If the employee has stopped work because of the disabling effects of injury, the period for COP starts at the beginning of the first full day or the first full shift after the onset of the injury, on which the disability begins.

NOTE: The employee remains in a pay status for any remaining fraction of the day or shift on which the injury occurs with no charge to the 45-day period, as long as the injury occurs after start of the work-shift.

c. If the employee stops work for only a portion of a day or shift (other than the day or shift when injury occurred), that day or shift will be considered as one full calendar day for the purpose of counting 45 calendar days of COP.

d. If the employee is not immediately disabled as a result of injury, the 45 days will begin on the first full day or shift when disability begins.

e. An injured employee has 45 calendar days from the date he/she first returned to work from an injury in which to use any remaining days of COP.

2. OCCUPATIONAL DISEASE OR ILLNESS. An employee who has contracted an occupational disease or illness is not eligible for COP but may file a claim for workers' compensation.

3. CONTROVERSION

a. An employing activity will, based upon information submitted by an employee or obtained upon investigation, controvert an individual's claim for COP if the claim falls into one or more categories listed:

(1) Disability is a result of an occupational disease or illness.

(2) Employee is neither a citizen nor a resident of the United States or Canada.

(3) Injury occurred off employer's premises and employee was not involved in "off premises" duties.

(4) Injury was caused by employee's willful misconduct, employee intended to bring about injury or death of another person, or employee's intoxication was proximate cause of the injury.

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(5) No written claim was filed on a CA-1, Notice of Traumatic Injury, within thirty days.

(6) Work stoppage first occurred 30 calendar days or more following injury.

(7) Individual initially reported injury after his/her employment was terminated.

b. The Workers' Compensation Office, HRD will controvert a claim if it falls under the above categories by:

(1) Completing Item 35 on CA-1.

(2) Submitting detailed information in support of controversion to OWCP.

c. When an employee's regular pay is continued due to work stoppage because of a disabling injury, it must not be interrupted during the 45 calendar day period unless:

(1) The employer receives medical information from the attending physician attesting that the employee is no longer disabled for his/her regular position.

(2) The employer receives notification from OWCP that the pay should be terminated.

(3) The employee returns to work with no loss in pay.

(4) The employee fails to provide "Prima facie" medical evidence supporting his/her disability within 10 calendar days after the claim is submitted.

(5) Medical evidence from the treating physician shows that the employee is not totally disabled and the employee refuses a written offer of a suitable alternative position which is approved by the attending physician.

(6) The employee's period of employment expires or employment is otherwise terminated (as established before the date of injury).

(7) The employer may interrupt or stop COP because of a disciplinary action, as long as a preliminary notice was issued to the employee before the date of injury and the action becomes final or otherwise takes effect during the COP period.

CLAIM FOR COMPENSATION FOR DISABILITY

1. TRAUMATIC INJURY

a. To provide continuity of income when a disability continues beyond 45 days, Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will assist the employee in filing a Claim for Compensation, CA-7, as soon as possible, but no more than 14 calendar days after the date pay stops due to the injury or disease.

b. Compensation begins when an employee is disabled due to a job-related traumatic injury and has been in a non-pay status for 3 days.

c. Compensation may not be paid while an injured employee receives pay for leave or COP.

d. An employee has the right to elect whether to receive pay for leave or to apply for COP or compensation.

2. OCCUPATIONAL DISEASE OR ILLNESS

a. Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will assist an employee in completing a CA-7 for the period of time an employee is disabled due to job-related occupational disease or illness.

b. An employee may elect to use annual leave, sick leave, or receive reimbursement for periods of leave without pay.

DEATH

1. REPORT OF DEATH

- a. When an employee's death is due to a work-related injury or because of an employment-related disease or illness, Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will immediately notify OWCP by telephone.
- b. Additionally, the supervisor will assist Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E in completion of CA-6, Official Supervisor's Report of Employee's Death. This form, together with a certified copy of the death certificate, will be sent to OWCP.

2. FUNERAL EXPENSES

- a. OWCP will determine any funds payable for funeral and burial expenses.
- b. If the employee's home is in the United States, and death occurs away from home, additional funds may be payable for transporting the remains to the employee's home.

3. CLAIM FOR COMPENSATION FOR DEATH

- a. Upon receipt of a notice of death, Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will assist the surviving dependents in preparation of claim(s).
- b. Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E will send the completed forms to OWCP.

RETURN TO WORK

1. RETURN TO REGULAR WORK DUE TO TERMINATION OF DIABILITY

a. Upon return to duty, the employee will first report to the Naval Ambulatory Clinic with the original dispensary permit. After evaluation at the dispensary, the employee will report to Workers' Compensation Team, Civilian Personnel Division, Code 731000D/E for further instructions.

2. RETURN TO WORK FOR LIMITED/LIGHT DUTY

a. Employees whose work-related injuries render them temporarily unfit to perform their normal duties, but who are able to perform light duty as determined by proper medical authority, will be offered limited/light duty, if available.

b. If an injured employee refuses an offer of limited/light duty, COP/compensation benefits will be terminated.